REMARKS

Claims 1-5 and 11-16 are amended, no claims are canceled, and no claims are added; as a result, claims 1-20 are now pending in this application.

No new matter has been introduced through the amendments proposed to claim 1-5 and 11-16. Support for the amendments proposed to claims 1-5 and 11-16 may be found throughout the specification, including but not limited to the specification at page 5, line 13 through page 7, line 10. Additional support for the amendments proposed to claim 16 may be found for example but not limited to the specification at page 9, lines 8-12.

Amendments proposed to claims 1-5 and 11-16 are admissible because 37 C.F.R. § 1.116(b)(2) states,

> (b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):
>
> (1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;
>
> (2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted;

Applicants respectfully submit that these amendments proposed to claims 1-5 and 11-16 present these claims in a better form for consideration on appeal. Applicants respectfully request that these proposed amendments to claims 1-5 and 11-16 be entered. In addition, Applicants respectfully request that the proposed amendments be considered in view of granting an allowance of all claims now pending in the application.

Allowable Subject Matter

Claims 6-10 were allowed. Applicants acknowledge the allowance of claims 6-10.

§102 Rejection of the Claims

Claims 11-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lengyel et al. ("Rendering with Coherent Layers"). Applicants respectfully traverse the rejection of claims 11-15.

Claims 11-15 are not anticipated by Lengyel et al. because Lengyel et al. fails to disclose all of the subject matter included in claims 11-15, as arranged in claims 11-15, and so fails to disclose the identical invention as included in claims 11-15. For example, but not limited to this example, claim 11 as now amended includes,

> A machine readable medium having machine executable instructions for performing a method comprising:
> acquiring a graphical user interface object including associated texture;
> generating one or more shifted instances of the associated texture;
> blending the one or more shifted instances of the associated texture to produce a blended texture;
> shifting the blended texture to obtain a blended and shifted texture;
> applying the blended and shifted texture to the graphical user interface object; and
> blending the graphical user object with a background.

Applicants respectfully submit that claim 11 as now amended includes all of the subject matter from claim 6, and more. Since the Final Office Action has indicated that claim 6 (and claims 7-10, which depend from claim 6) are allowed,[1] claim 11 includes subject matter not disclosed by Lengyel et al., and so is not anticipated by Lengyel et al.

Claims 12-15 depend from claim 11, and therefore include all of the subject matter included in claim 11, and more. For at least the reasons stated above with respect to claim 11 and claim 6, claims 12-15 also include subject matter not disclosed by Lengyel et al., and so are not anticipated by Lengyel et al.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 11-15.

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[1] *See* the Final Office Action at page 11.

§103 Rejection of the Claims

Claims 1-3, 5, and 16

Claims 1-3, 5, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lengyel et al. ("Rendering with Coherent Layers") in view of Morgan et al. (U.S. 6,756,989).

In an attempt to meet the requirements for forming the proposed combination of Lengyel et al. and Morgan et al., the Final Office Action states,[2]

> It would have been obvious to one of ordinary skill in the art at the present time the invention was made to utilize one pass through a graphics processing pipeline of Morgan into the system of Lengyel in order to generate blurred copies of an object by applying multi-texturing because a one pass graphics processing pipeline is more computationally efficient than multi-pass pipeline and thus, processing time can be reduced.

However, and in contrast, the portion of Lengyel et al. relied on by the Final Office Action with regards to "texture layers. (p. 3 section 2.3) states in part,[3]

> **2.3 Factoring Shading**
>
> Shading may also be factored into separate layers. Figure 4 show a typical multipass example, in which a shadow layer modulates the fully illuminated scene, and a reflection layer adds a refection (in this case the refection is the specular reflection from a light.) Figure 5 show a schematic view of the steps needed to create the multipass image. (Emphasis in original).

Thus, Lengyel et al. in section 2.3 describes a typical *multipass* example of shading, and the steps needed to create the *multipass* image, and so provides a teaching away from the combination as proposed in the Final Office Action. [4] In fact, rather than a one pass as suggested

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[2] *See* the Final Office Action at pages 5-6.

[3] *See* Lengyel et al. at page 3, left hand column under at the first paragraph under the heading "2.3 Factoring Shading."

[4] A factor cutting against a finding of motivation to combine or modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963).

by the Final Office Action, Lengyel et al. concerns steps needed to create the *multipass* image. Further, there is no description in this section of Lengyel et al. describing how or if a single pass operation would even work for the processes described in Lengyel et al. with regards to shading.

Thus, the basis for forming the proposed combination of Lengyel et al. and Morgan et al., as suggested in the Final Office Action, is not supported by, and is actually taught away from, by the description included in Lengyel et al. The Final Office Action appear to be basing the proposed combination of Lengyel et al. and Morgan et al. on impermissible hindsight[5] using the Applicants' claimed subject matter as the blueprint.

Because the Final Office Action fails to meet the requirements for forming the proposed combination of Lengyel et al. and Morgan et al., the Final Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to claims 1-3, 5, and 16.

Even if the proposed combination of Lengyel et al. and Morgan et al. could be made, (wherein Applicants expressly disagreed that it could), the proposed combination still fails to teach or suggest all of the subject matter included in claims 1-3, 5, and 16. For example, but not limited to this example, claim 1 as now amended includes,

> generating a plurality of blurred copies of an object by applying multi-texturing to the object during one pass through a graphics processing pipeline, including acquiring a plurality of graphical user interface objects, and for each of the graphical user interface objects, shifting the graphical user interface object to form one or more shifted objects, blending the one or more shifted objects and the graphical user interface object to form one of the plurality of blurred copies of the object; and
>
> displaying in succession each one of the generated plurality of blurred copies of the object to created the illusion of motion.

Thus, claim 1 includes generating a plurality of blurred copies of an object by applying multi-texturing to the object during one pass through a graphics processing pipeline. The Final Office Action admits[6] that Lengyel et al. fails to explicitly teach one pass through a graphics processing pipeline, and relies on Morgan et al. as describing this subject matter missing from

[5] The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990).

[6] *See* the Final Office Action at page 5.

Lengyel et al. However, claim 1 as now amended requires that generating a plurality of blurred copies of an object during one pass through a graphics processing pipeline include, "acquiring a plurality of graphical user interface objects, and for each of the graphical user interface objects, **shifting the graphical user interface object to form one or more shifted objects, blending the one or more shifted objects and the graphical user interface object to form one of the plurality of blurred copies of the object.**" (Emphasis added)

The Final Office Action suggests[7] that Lengyel et al. describes, "blending one or more shifted instance of the object (FIG. 3, p. 3 section 2.3, p. 4 section 3.2 and p. 4 section 3.4 and Fig. 6)." However and in contrast, section 2.3 of Lengyel et al. concerns "Factoring Shading," section 3.4 of Lengyel et al. concerns "Spatial Resolution," and Fig. 6 of Lengyel et al. concerns "Shade sprites are combined in the final composition phase to produce the multipass rendering." Applicants' representatives fail to find in any of these portions of Lengyel et al., or in any other portion of Lengyel et al., a disclosure of "acquiring a plurality of graphical user interface objects, and for each of the graphical user interface objects, shifting the graphical user interface object to form one or more shifted objects, blending the one or more shifted objects and the graphical user interface object to form one of the plurality of blurred copies of the object," as including in claim 1.

Further, Applicants' representatives fail to find in Morgan et al., and the Final Office Action fails to point out in Morgan et al., a teaching or suggestion of this subject matter included in claim 1 and missing from Lengyel et al. Therefore, the proposed combination Lengyel et al. and Morgan et al. fails to teach or suggest all of the subject matter included in claim 1, and so claim 1 is not obvious in view of the proposed combination of Lengyel et al. and Morgan et al.

Claims 2-3, and 5 depend from claim 1, and so include all of the subject matter included in claim 1, and more. For at least the reasons stated above with respect to claim 1, the proposed combination of Lengyel et al. and Morgan et al. fails to teach or suggest all of the subject matter included in claims 2-3 and 5, and so claims 2-3 and 5 are not obvious in view of the proposed combinations of Lengyel et al. and Morgan et al.

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[7] *See* the Final Office Action at page 2.

In a further example of subject matter included in claims 1-3, 5, and 16 and not taught or suggested by the proposed combination of Lengyel et al. and Morgan et al., claim 16 as now amended includes,

> A graphics pipeline comprising:
> a texture memory in which to store texture information; and
> a graphics processor coupled to the texture memory, the graphics processor to process the texture information by shifting and blending the texture information in one pass through the graphics processor to obtain shifted and blended texture information **before applying the shifted and blended texture information to an object.** (Emphasis added).

Thus, claim 16 as now amended includes, "the graphics processor to process the texture information by shifting and blending the texture information in one pass through the graphics processor to obtain shifted and blended texture information before applying the shifted and blended texture information to an object." While Applicants do not agree that Fig. 8 or Fig. 11 of Lengyel et al. teach or suggest shifting and blending of textural information as suggested in the Final Office Action,[8] there is no teaching or suggestion in either Lengyel et al. or Morgan et al. of "the graphics processor to process the texture information by shifting and blending the texture information in one pass through the graphics processor to obtain shifted and blended texture information *before applying* the shifted and blended texture information to an object," as required by claim 16. (Emphasis added). Thus, the proposed combination of Lengyel et al. and Morgan et al. fails to teach or suggest all of the subject matter included in claim 16, and so claim 16 is not obvious in view the proposed combination of Lengyel et al. and Morgan et al.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1-3, 5, and 16.

Claims 4 and 17-20

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lengyel et al. ("Rendering with Coherent Layers") in view of Morgan et al. (U.S. 6,756,989) in further view of Kato et al. (U.S. 5,999,185).

[8] *See* the Final Office Action at page 7, stating "It should be noted that Fig. 8 and Fig. 11 show shifting of texture (p.4 section 3.2 and p. 4 section 3.4)."

Claims 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lengyel et al. ("Rendering with Coherent Layers") in view of Morgan et al. (U.S. 6,756,989) in further view of Kawahara et al. (U.S. 2005/0204306).

Claims 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lengyel et al. ("Rendering with Coherent Layers") in view of Morgan et al. (U.S. 6,756,989) in further view of Kawahara et al. (U.S. 2005/0204306) and Plante (U.S. 7,084,875).

Applicants respectfully traverse these rejections of claims 4 and 17-20.

For at least the reasons stated above with respect to the rejection of claims 1-3, 5, and 16, Applicants respectfully submit that the Final Office Action fails to meet its burden regarding the requirements for forming the proposed combination Lengyel et al. and Morgan et al., and therefore fails to meet it burden with respect to the requirements for forming the proposed combinations of Lengyel et al., Morgan et al., and Kato et al. in rejecting claim 4, the proposed combination of Lengyel et al., Morgan et al., and Kawahara et al. in rejecting claims 17-18, and the proposed combination of Lengyel et al., Morgan et al., Kawahara et al., and Plante in rejecting claims 19-20.

By failing to meet these requirements the Final Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to claims 4 and 17-20.

Further, even if the proposed combination of Lengyel et al., Morgan et al., and Kato et al. could be made, (wherein Applicants expressly disagreed that it could), the proposed combination still fails to teach or suggest all of the subject matter included in claim 4. Claim 4 depends from claim 1, and so includes all of the subject matter included in claim 1, and more. Applicants believe they have established that the proposed combination of Lengyel et al. and Morgan et al. fails to teach or suggest all of the claimed subject matter included in claim 1, and so also fails to teach or suggest all of the claimed subject matter included in claim 4. Applicants' representatives fail to find in, and the Final Office Action fails to point out where there is a teaching or suggestion in Kato et al. of the claimed subject matter included in claim 4 and missing from the proposed combination of Lengyel et al. and Morgan et al. Thus, the proposed combination of Lengyel et al., Morgan et al., and Kato et al. fails to teach or suggest all of the claimed subject matter included in claim 4, and so claim 4 is not obvious in view of the proposed combination of Lengyel et al., Morgan et al., and Kato et al.

Still further, even if the proposed combination of Lengyel et al., Morgan et al., and Kawakawa et al. could be made, or if the proposed combination of Lengyel et al., Morgan et al., Kawahara et al., and Plante could be made, (wherein Applicants expressly disagreed that either of these proposed combination could be made), these proposed combinations still fail to teach or suggest all of the subject matter included in claims 17-20 as these proposed combinations are applied to the rejections of claims 17-20. Claims 17-20 depend from claim 16, and so include all of the subject matter including in claim 16, and more. Applicants believes they have established that the proposed combination of Lengyel et al. and Morgan et al. fails to teach or suggest all of the claimed subject matter included in claim 16, and so also fails to teach or suggest all of the claimed subject matter included in claims 17-20. Applicants' representatives fail to find in, and the Final Office Action fails to point out where there is a teaching or suggestion in Kawahara et al. or in Plante of the claimed subject matter included in claims 17-20 and missing from the proposed combination of Lengyel et al. and Morgan et al. Thus, the proposed combination of Lengyel et al., Morgan et al., and Kawahara et al. and the proposed combination of Lengyel et al., Morgan et al., Kawahara et al., and Plante each fail to teach or suggest all of the claimed subject matter included in claims 17-20 as these proposed combinations are applied in the rejections of claims 17-20. Therefore, claims 17-18 are not obvious in view of the proposed combination of Lengyel et al., Morgan et al., and Kawahara et al., and claims 19-20 are not obvious in view of the proposed combination of Lengyel et al., Morgan et al., Kawahara et al., and Plante.

Applicants respectfully request reconsideration and withdrawal of the rejections, and allowance of claims 4 and 17-20.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of January 2007.

Amy Moriarty
Name

Signature